

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

In Re:

CASE NO: 18-05019-5-DMW

SHAWN KELVIN WHITAKER
TONJA RICHARDSON WHITAKER

CHAPTER 13

Debtor(s)

OBJECTION TO CONFIRMATION

NOW COMES, Trinity Financial Services, LLC, successor in interest to Mortgage Electronic Registration Systems, Inc. as nominee for Decision One Mortgage Company, LLC, a duly scheduled Creditor, by and through its undersigned counsel of record, objecting to confirmation of the Debtors' Chapter 13 Plan and shows unto the Court:

1. That Trinity Financial Services, LLC, successor in interest to Mortgage Electronic Registration Systems, Inc. as nominee for Decision One Mortgage Company, is a secured creditor with junior lien on that certain real property located at 14891 NC Highway 43, Whitakers, North Carolina 27891 by virtue of a Deed of Trust recorded in Book 2238, Page 215 of the Nash County, North Carolina Registry on June 19, 2016 (the "Real Property").
2. That, upon information and belief, the value of Real Property has been understated by the Debtors in their petition.
3. That, upon information and belief, the holders of the superior liens on the Real Property have not yet filed Claims and, therefore, it is not possible at this time for Trinity Financial Services, LLC to determine the exact amount of the superior liens.
4. That the Debtors have, upon information and belief, improperly claimed a \$60,000.00 exemption in the Real Property on their Schedule C-1 – Property Claimed as Exempt.
5. That, upon information and belief, the Debtors have improperly discounted the Market Value on the Real Property by 6% on their Schedule C-1 – Property Claimed as Exempt.
6. That, upon information and belief, there exists equity in the Real Property in excess of the amount of the pre-existing liens and any exemptions claimed by the Debtors to secure Trinity Financial Services, LLC's claim on the Real Property.

7. That Trinity Financial Services, LLC is not listed as a Creditor in the Debtors' petition.

8. That the Debtors' proposed Plan does not provide for the payment of Trinity Financial Services, LLC's claim.

WHEREFORE, Trinity Financial Services, LLC prays to the Court:

1. That Confirmation of the Debtor's Plan be denied.
2. That this matter be set for hearing.
3. For such other and further relief as to the Courts seems just and proper.

This the 11th day of December, 2018.

/s/William F. Hill

William F. Hill
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Tonja Richardson Whitaker
Debtor(s)

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CERTIFICATE OF SERVICE

The undersigned, of P.O. Box 2517, Greenville, North Carolina 27836, certifies:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on today's date, I electronically filed the foregoing OBJECTION TO CONFIRMATION with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties listed below. I further certify that I have mailed the document to the non CM/ECF participants as set out below by first class mail.

I certify under penalty of perjury that the foregoing is true and correct.

This the 11th day of December, 2018.

/s/William F. Hill
William F. Hill
State Bar No. 10929
Attorney for Trinity Financial Services, LLC
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Recipients:

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